

## 2001 DRAFTING REQUEST

### Bill

Received: 10/13/2000

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Robert Jauch (608) 266-3510

By/Representing: Dave Jahr

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact: DOT

Addl. Drafters: fasttn  
phurley

Subject: Munis - miscellaneous  
Transportation - miscellaneous

Extra Copies:

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### Pre Topic:

No specific pre topic given

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### Topic:

Municipalities may impose bicycle licensing fees on nonresidents

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### Instructions:

See Attached. Authorize munis olcated on islands to charge a bike licensing or registration fee on nonresidents. Am; s. 349.18 (2). See also 66 OAG 99

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1		gilfokm 11/03/2000	kfollet 11/01/2000 rschluet 11/03/2000	_____ _____ _____	lrb_docadmin 11/03/2000		S&L
/2	shoveme 12/28/2000	gilfokm 12/29/2000	martykr 01/19/2001	_____ _____	lrb_docadmin 01/19/2001	lrb_docadmin 03/08/2001	

03/08/2001 09:50:13 AM

Page 2

**LRB-0866**

FE Sent For:

<END>

*Attn*

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/1		gilfokm 11/03/2000	kfollet 11/01/2000		lrb_docadmin 11/03/2000		
			rschluet 11/03/2000				

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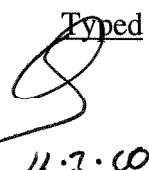
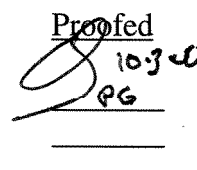
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**Instructions:**

See Attached. Authorize munis located on islands to charge a bike licensing or registration fee on nonresidents. Am; s. 349.18 (2). See also 66 OAG 99

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/2	shoveme	11-11/3 KMG	 11.3.00	 10.3.00 PG			

FE Sent For:

&lt;END&gt;

*Bad**New# - 0866***2001 DRAFTING REQUEST****Bill**Received: **10/13/2000**Received By: **shoveme**Wanted: **As time permits**

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phurley**Subject: **Munis - miscellaneous  
Transportation - miscellaneous**

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

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**Instructions:***located on island*  
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(2). See also 66 OAG 99.

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	shoveme						
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FE Sent For:

&lt;END&gt;



# TOWN OF LA POINTE

MADLINE ISLAND

P.O. BOX 270

LA POINTE, WISCONSIN 54850

PHONE: 715-747-6913

FAX: 715-747-6654

September 18, 2000

Senator Robert Jauch  
Room 313 South  
State Capital  
PO Box 7882  
Madison, WI 53707-7882

Brandon Cunningham  
Town of LaPointe-Madeline Island  
PO Box 270  
La Pointe, WI 54850

Re: Madeline Island Bicycle Licensing

Dear Senator Jauch:

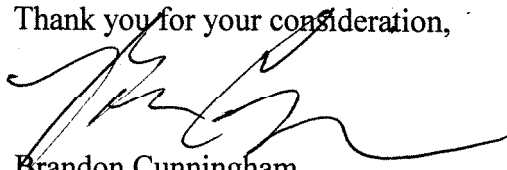
The Town of LaPointe is planning to construct a Bike Route on Madeline Island along the side of County H. The Town has secured federal funding to help with the construction costs but the Town will still need to contribute matching funds and the route will need to be maintained.

During the summer months a very large amount of bicyclists come to the island to recreate. The Town is interested in utilizing these bicyclists as a resource to help with the costs of creating and maintaining the bike route as well as other bike safety related projects and programs. A bicycle licensing program is an avenue to leverage these funds.

Wisconsin Statutes 349.18 provides authority to require registration fees from only residents in the town, city or village. It is respectfully requested that an amendment be pursued that would allow for nonresidents to pay a registration fee. Washington Island experiences a similar situation and has expressed support for this proposal.

Attached is a copy a letter drafted to the Town Board that outlines some ideas of how the program might work.

Thank you for your consideration,



Brandon Cunningham  
Town Administrator



DEWITT  
ROSS & STEVENS

Capitol Square Office  
Two East Main Street  
Suite 600  
Madison, WI 53703-2855  
Fax 608-252-9245  
Tel 608-255-8397

West Office  
First State Bank Building  
5000 Excelsior  
Madison, WI 53705-1111  
Fax 608-601-2111  
Tel 608-601-2111

Please respond to: Capitol Square Office  
Direct Line: 608-252-9334

May 31, 2000

Brian Murphy  
P.O. Box 199  
La Pointe, WI 54850

Dear Brian:

I am enclosing a draft of the letter I could send to the township, although I am concerned that because of the statutory complications no one will be particularly interested. Enclosed you will find a photocopy of Wis. Stat. § 349.18 and Wis. Stat. § 349.23. You will note that the Attorney General has already ruled that cities and villages cannot license bicyclists except upon express legislative authorization. This seems to preclude what we were discussing doing. It may be that the only way to effect it would be to sell them on the ferry as a condition of bringing a bike on the ferry. This would mean a negotiation with the ferry line to make bicycles, whether on deck or on a rack, subject to a fee which we paid over to the town. They presently charge a fee for bicycles on deck so they probably are not going to be very happy about that. Any thoughts?

I remain,

Very truly yours,

DEWITT ROSS & STEVENS s.c.

Anthony R. Varda

ARV:sll  
Enclosures





DEWITT  
ROSS & STEVENS LLC  
LAW FIRM

Capitol Square Office  
Two East Mifflin Street  
Suite 600  
Madison, WI 53703-2865  
Fax 608-252-9243  
Tel 608-255-8891

West Office  
Firststar Financial Centre  
8000 Excelsior Drive, Suite 401  
Madison, WI 53717-1914  
Fax 608-831-7106  
Tel 608-831-7100

Please respond to: Capitol Square Office  
Direct Line: 608-252-9334

May 31, 2000

Town of La Pointe  
La Pointe, WI 54850

**DRAFT**

RE: Bicycle Licensing

Dear Town Chair Sowl and Members of the Town Board:

I have been watching with interest the discussion over bicycle use on Madeline Island, as well as the proposed bicycle trails. It is obvious that something must be done to reduce the number of bicycles on town roads by either expanding the shoulders or creating separate bike trails. I understand there is money available but that the town will have to spend a percentage of the expense to match the grant offered. No matter how it is done, it will involve a substantial expenditure by the town either in cash or in kind.

I have a suggestion that I would like to see discussed as a possible revenue source to offset these bicycle related expenses: A Madeline Island bicycle license.

For the purpose of discussion, let me outline what my thoughts are:

1. The town would issue bicycle licenses, either annual or permanent, required for bicycles, skateboards and rollerblades used on town roads on the island.
2. The annual fee would be \$5.00 and the permanent fee would be \$25. The permanent license could be transferred to another bike, set of rollerblades or skateboard owned by the original licensee for a transfer fee of \$5.
- 3.
4. All licenses would be numbered, and would take the form of a 3M reflective sticker to be attached to the bicycle and visible from the rear. That is, they would have to be on the back of the seat, fender, or seat post, to be visible from the rear. It would be a gummed tag similar to the renewal stickers for other licenses. This would minimize the cost. The tag would have to have the year with a Town of La Pointe logo super imposed. The color could change annually but the permanent licenses would be a single designated color such as black and white or some other colors that are distinctive.

DEWITT  
ROSS & STEVENS  
LAW FIRM

Town of La Pointe  
May 31, 2000  
Page 2

DRAFT

5. The licenses could be sold at the town hall and to those waiting in line for the ferry who have bicycles, or on the ferry, depending upon what can be worked out with the ferry.
6. I suggest that the license be sold with a self-registration post card that can be filled out by the licensee and mailed to the Town of La Pointe, or dropped off at a drop-off box near the town dock. This expedites the sale of the license and completes the registration with the name, home address, and serial number of the bicycle by the owner. Bicycle licenses could be sold as quickly as ferry tickets in this manner.
7. I also recommend that a handout explaining the need for the license revenues to create and maintain bike trails be available.
8. A small commission such as twenty-five cents per annual license or \$1.00 per permanent license would probably sustain a high school student or a ferry lines bookkeeping to cover the cost of the program. I believe the gummed stickers are relatively inexpensive and can be bought with sequential numbers on them. Anyone selling the stickers would sign out the stickers by their numbers and be responsible for returning the revenue.
9. I also suggest that in order to make this relatively "non-punitive," appoint police officers also sell the licenses at double the price. The penalty for anyone caught without a license would thus be \$10. In the alternative, some sort of town ordinance would have to be passed fining individuals who fail to purchase a license within 7 days after a notice of noncompliance, employing a procedure similar to that for equipment violations on motor vehicles.
10. As within the suggestion of this sort there are a certain amount of limitations. On the current Wisconsin statutes, there is some question as to whether the town could do this unilaterally. Wisconsin Statutes § 349.18 provides authority to require registration fees on bicycles from only residents in the town, city, or village. However, Wis. Stats. § 349.23(3) allows the town, city, or village to prohibit bicycles on any roadway over which they have jurisdiction. As you may know, the state charges fees for use of their bicycle trails. Therefore, the first step in effecting this suggestion would be to ask Representative Gary Sherman and Senator Robert Jauch to assist the town in getting a change in the statute.

DEWITT  
ROSS & STEVENS, <sub>LLC</sub>  
LAW FIRM

Town of La Pointe  
May 31, 2000  
Page 3

I remain,

Very truly yours,

DEWITT ROSS & STEVENS, <sub>LLC</sub>

DRAFT

Anthony R. Varda

ARV:sll

local authority deems reasonably necessary to provide for the convenience, safety and welfare of persons using the streets and highways for vehicular traffic.

*History:* 1993 a. 246.

**349.145 Authority to establish disabled parking enforcement assistance councils.** Any city, village or county may by ordinance or resolution establish a disabled parking enforcement assistance council. The majority of such a council shall be appointed by the local authorities from among those residents of the city, village or county to whom or on whose behalf the department has issued a special registration plate under s. 341.14 (1) to (1r) or a special identification card under s. 343.51. Members of such a council may report violations of s. 341.625 (1), 343.52, 346.503 or 346.505 (2) or ordinances in conformity therewith to a traffic officer of the city, village or county as provided in s. 341.625 (2), 343.52 (3), 346.503 (5) or 346.505 (3). If a 1st or 2nd class city has enacted an ordinance under s. 346.50 (3m), the council shall perform any duties required by s. 346.50 (3m).

*History:* 1987 a. 260; 1991 a. 87; 1993 a. 256; 1995 a. 131.

**349.15 Authority to modify weight limitations and classify highways.** (1) The limitations on size and weight imposed by ch. 348 are lawful throughout the state and local authorities may not alter such limitations except as otherwise provided in this chapter.

(2) The county highway committee with respect to the county trunk highway system and the local authorities with respect to highways maintained by them may designate all or parts of such highways to be class "B" highways for the purpose of putting into effect the weight limitations set forth in s. 348.16, except that no portion of any such highway which is a state trunk highway or connecting highway may be so designated.

(3) Any city of the first class may, with respect to the streets of such city, by ordinance increase the maximum weight limitations specified in ss. 348.15 and 348.16.

*History:* 1977 c. 29 s. 1654 (3).

The police power under this section need not be based on the condition of the roadbed, but may be exercised to promote the general welfare of the public. 66 Atty. Gen. 110.

**349.16 Authority to impose special or seasonal weight limitations.** (1) The officer in charge of maintenance in case of highways maintained by a town, city or village, the county highway commissioner or county highway committee in the case of highways maintained by the county and the department in the case of highways maintained by the state may:

(a) Impose special weight limitations on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations;

(b) Impose special weight limitations on bridges or culverts when in its judgment such bridge or culvert cannot safely sustain the maximum weights permitted by statute;

(c) Order the owner or operator of any vehicle being operated on a highway to suspend operation if in its judgment such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the public investment therein, except when s. 84.20 is applicable or when the vehicle is being operated pursuant to a contract which provides that the governmental unit will be reimbursed for any damage done to the highway. Traffic officers also may order suspension of operation under the circumstances and subject to the limitations stated in this paragraph.

(2) Imposition of the special weight limitations authorized by sub. (1) (a) shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. Imposition of the special weight limitations authorized by sub. (1) (b) shall be done by erecting signs before each end of the bridge or culvert to which the weight

limitation applies sufficient to give reasonable notice that a special weight limitation is in effect and the nature of that limitation. All weight limitation signs and their erection shall comply with the rules of the department and shall be standard throughout the state.

(3) The authority in charge of the maintenance of the highway may exempt vehicles carrying certain commodities specified by the authority or which are used to perform certain services specified by the authority, including but not limited to pumping septic or holding tanks, from the special weight limitations which are imposed under sub. (1) (a), or may set different weight limitations than those imposed under sub. (1) (a) for vehicles carrying those commodities or which are used to perform those services, if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare.

*History:* 1975 c. 141; 1977 c. 29 s. 1654 (8) (a); 1977 c. 435; 1983 a. 307.

**349.17 Authority of cities, villages and towns to regulate heavy traffic.** (1) Any city, village or town may by ordinance or resolution designate any street or highway under its jurisdiction as a heavy traffic route and designate the type and character of vehicles which may be operated thereon. A city, village or town may restrict or prohibit heavy traffic from using other streets or highways under its jurisdiction except that it may not place such restrictions on streets or highways over which are routed state trunk highways and may not prohibit heavy traffic from using a street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Whenever a city, village or town designates any street or highway under its jurisdiction as a heavy traffic route, it shall cause appropriate signs to be erected giving notice thereof.

(2) In this section, "heavy traffic" means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.

*History:* 1977 c. 116; 1993 a. 246.

*Legislative Council Note, 1977:* Sub. (1) authorizes cities and villages to designate any street as a heavy traffic route. As defined in s. 340.01 (64), the term "street" means every highway within the corporate limits of a city or village except alleys. By adding "or highway" after "street", s. 349.17 (1) authorizes a city or village to prohibit heavy traffic from using any street or alley which has not been designated as a heavy traffic route unless such street or alley is being used to obtain orders for supplies or to deliver supplies or commodities to or from a place of business or residence with an entrance on such street or alley. "Highway" is defined in s. 340.01 (22), to mean "all public ways and thoroughfares", including alleys. [Bill 465-A]

**349.18 Additional traffic-control authority of counties and municipalities.** (1) Any city, village or town, by ordinance, may:

(a) Designate the number of persons that may ride on a motor bicycle at any one time and the highways upon which a motor bicycle or moped may or may not be operated.

(b) Establish a golf cart crossing point upon a highway within its limits. An ordinance enacted under this paragraph shall require that a golf cart stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway. The ordinance may require that a golf cart be equipped with reflective devices as specified in the ordinance. The city, village or town shall place a sign of a type approved by the department to mark the crossing point on both sides of the highway.

(c) Regulate the operation of a golf cart to and from a golf course for a distance not to exceed one mile upon a highway under its exclusive jurisdiction. The city, village or town shall place a sign of a type approved by the department to mark any golf cart travel route designated by the ordinance.

(2) Any city, town or village may by ordinance enacted pursuant to s. 349.06 regulate the operation of bicycles and motor bicycles and may by ordinance require registration of any bicycle or motor bicycle owned by a resident of the city, town or village, including the payment of a registration fee.



State of Wisconsin  
2001 - 2002 LEGISLATURE

6866  
LRB-0749/01  
MES&TNF&PJH:KMG  
RMA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen

- 1 AN ACT ...; relating to: the authority of certain cities, villages, or towns to  
2 regulate the operation of bicycles owned by nonresidents.

---

***Analysis by the Legislative Reference Bureau***

Under current law, any city, village, or town (municipality) may enact an ordinance that regulates the operation of bicycles and motor bicycles and may also require registration of any bicycle and motor bicycle that is owned by a resident of the municipality. Such registration may include the payment of a registration fee. Also under current law, any county may require registration of any bicycle and motor bicycle that is owned by a resident of the county if that bicycle or motor bicycle is not subject to registration by a municipality.

Under this bill, any municipality that is located on an island may enact an ordinance requiring the registration of any bicycle that is operated in the municipality by a nonresident of the municipality, unless the bicycle is owned by an individual, who is a resident of the municipality, and is subject to registration by the municipality. The ordinance may require the payment of a registration fee.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 SECTION 1. 349.18 (2) of the statutes is renumbered 349.18 (2) (a).

**SECTION 2**

1       **SECTION 2.** 349.18 (2) (b) of the statutes is created to read:

2       349.18 (2) (b) Any city, village, or town, that is located on an island, may enact  
3       an ordinance requiring registration of any bicycle that is operated by a nonresident  
4       of the city, village, or town. The ordinance may require the payment of a registration  
5       fee. Such ordinance does not apply to any bicycle, owned by an individual, that is  
6       subject to registration under par. (a).

7       **SECTION 3.** 349.18 (3) of the statutes is amended to read:

8       349.18 (3) Any county, by ordinance, may require the registration of any bicycle  
9       or motor bicycle owned by a resident of the county if the bicycle or motor bicycle is  
10      not subject to registration under sub. (2) (a). Such ordinance does not apply to any  
11      bicycle or motor bicycle subject to registration under sub. (2) (a), even if the effective  
12      date of the ordinance under sub. (2) (a) is later than the effective date of the county  
13      ordinance. A county may charge a fee for the registration.

14      History: 1977 c. 116, 288; 1983 a. 243, 288, 343, 538; 1985 a. 135, 197, 298, 332; 1989 a. 167; 1993 a. 246; 1995 a. 138; 1997 a. 27.

(END)

# OFFICE MEMO AD-2

To	Marc S. [unclear]	Date		Time	
From	Dave [unclear]	<input type="checkbox"/> Please Call <input type="checkbox"/> Returning Call <input type="checkbox"/> Will Call			
Phone	6-3510				Taken By
<input type="checkbox"/> Comment	<input type="checkbox"/> For Your Inf.	<input type="checkbox"/> Prepare Reply	<input type="checkbox"/> Return		
<input type="checkbox"/> Route	<input type="checkbox"/> Approve/Sign	<input type="checkbox"/> Take Action	<input type="checkbox"/> File		

Here is the material  
 on the bike license  
 fee for Madeline Rahand.  
 Let me know if you  
 have any questions,  
 Thanks.

No. of Copies:	<input type="checkbox"/> Typing	<input type="checkbox"/> Photocopy	<input type="checkbox"/> Copy Center	<input type="checkbox"/> Copy from Microfilm
Date Need	Time Need	<input type="checkbox"/> Rough <input type="checkbox"/> Final	<input type="checkbox"/> Double <input type="checkbox"/> Single	<input type="checkbox"/> Original Document <input type="checkbox"/> Revised Document





# TOWN OF LA POINTE

MADLINE ISLAND

P.O. BOX 270

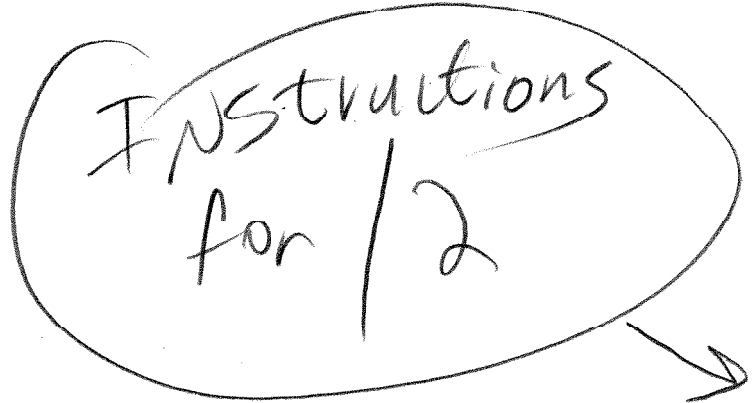
LA POINTE, WISCONSIN 54850

PHONE: 715-747-6913

FAX: 715-747-6654

December 4, 2000

Senator Robert Jauch  
Room 313 South  
State Capital  
PO Box 7882  
Madison, WI 53707-7882



Re: Madeline Island Bicycle Licensing Bill Draft

Dear Senator Jauch:

Thank you for obtaining and forwarding the bill draft. The Town Board has reviewed the draft and feel a few modifications may be necessary. It is the opinion of the Board that the bill should apply to residents and nonresidents alike and that the bill should state that revenue from the bike registration fees is to be used exclusively for bicycle related activities.

Please see the attached bill draft as proposed by Attorney Tony Varda. The Board feels this draft would meet the objectives of funding bike related safety, construction, and maintenance plans more effectively.

Thank you for your time and efforts,

Brandon Cunningham  
Town Administrator

enc.

cc: Representative Gary Sherman  
La Pointe Town Board





Capitol Square  
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Street  
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Tel 608-255-8881

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8000 Excelsior Drive,  
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Madison, WI 53717-  
1914  
Fax 608-831-2108  
Tel 608-831-2100

Please respond to: Capitol Square Office

## FAX TRANSMITTAL

To: Brian Murphy

Fax Number  
715-747-6654

From Tony Varda

Total  
(including this page)

Date: November 14, 2000

Time Sent: 9:27

Respond To: Anthony Varda at 608-252-9334 (tel) / 608-252-9243 (fax)

## MESSAGE

Murph,

It is suitably vague to the point of being useless. They have exempted anyone who has a bike registration from anywhere. My bikes registered in Maple Bluff would be exempt. Only Minnesota people would get hit. We would end up with another suit like the one over taxing the ferry.

I suggest the proposed 349.18(2)(b) read as follows:

Any city, village, or town, that is located on an island, may enact an ordinance requiring the registration of any bicycle or motor bicycle, not registered under par(a) by that city, village, or town and operated therein by a nonresident. The ordinance may require the payment of an annual

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registration fee. The fees charged under this subsection may not exceed the fees charged residents under par. (a) by the city, village or town. All fees collected under this subsection shall be segregated and used exclusively for the regulation of bicycle use and the creation, maintenance, and promotion of bicycle facilities within the city, village or town.

I think this would cover the bases and be more easy to sell. The residents have to pay the same fee as the non-residents as a basic fairness issue. The money has to have a limited purpose related to the non-resident generated problem you are effectively taxing. Otherwise, people will just see it as a way to tax tourists for additional GPR. That is not to purpose of the licensing fee. The whole idea here is to cover the enormous costs necessary to accommodate the unrelenting influx of bicycles to the island. I don't think the bikers would have strong objections if they know the money was going to improvements for their benefit. Similarly, any legislator who votes for this may some day have to explain why (unless it just goes into the budget). Having the explanation built into the language of the bill helps defuse opposition to the bill and, later, to the law.

*10m*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0866/12

MES&TNF&PJH:kmg:12

RMR

2001 BILL

D. Note

reger

- 1 AN ACT *to renumber* 349.18 (2); *to amend* 349.18 (3); and *to create* 349.18 (2)  
2 (b) of the statutes; **relating to:** the authority of certain cities, villages, or towns  
3 to regulate the operation of bicycles owned by nonresidents.

***Analysis by the Legislative Reference Bureau***

Under current law, any city, village, or town (municipality) may enact an ordinance that regulates the operation of bicycles and motor bicycles and may also require registration of any bicycle and motor bicycle that is owned by a resident of the municipality. Such registration may include the payment of a registration fee. Also under current law, any county may require registration of any bicycle and motor bicycle that is owned by a resident of the county if that bicycle or motor bicycle is not subject to registration by a municipality.

Under this bill, any municipality that is located on an island may enact an ordinance requiring the registration of any bicycle that is operated in the municipality by a nonresident of the municipality, unless the bicycle is owned by an individual, who is a resident of the municipality, and is subject to registration by the municipality. The ordinance may require the payment of a registration fee.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

INS  
ANL

**BILL****SECTION 1**

1 **SECTION 1.** 349.18 (2) of the statutes is renumbered 349.18 (2) (a).

2 **SECTION 2.** 349.18 (2) (b) of the statutes is created to read:

3 349.18 (2) (b) Any city, village, or town, that is located on an island, may enact  
4 an ordinance requiring registration of any bicycle that is operated by a nonresident  
5 of the city, village, or town. The ordinance may require the payment of a registration  
6 fee. Such ordinance does not apply to any bicycle, owned by an individual, that is  
7 subject to registration under par. (a).

8 **SECTION 3.** 349.18 (3) of the statutes is amended to read:

9 349.18 (3) Any county, by ordinance, may require the registration of any bicycle  
10 or motor bicycle owned by a resident of the county if the bicycle or motor bicycle is  
11 not subject to registration under sub. (2) (a). Such ordinance does not apply to any  
12 bicycle or motor bicycle subject to registration under sub. (2) (a), even if the effective  
13 date of the ordinance under sub. (2) (a) is later than the effective date of the county  
14 ordinance. A county may charge a fee for the registration.

15 (END)

✓  
D. Noe

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0866/2ins  
MES&TNF&PJH:kmg:rs

*municipality* **INS ANL** ✓  
Under this bill, any municipality that is located on an island may enact an ordinance requiring the registration of any bicycle that is operated in the municipality by a nonresident of the municipality. The ordinance may require the payment of a registration fee. Such an ordinance may not take effect, however, until the ~~city, village or town~~ enacts a similar ordinance, with an identical fee, for residents of the island. Under the bill, the proceeds of such fees may be used only for the regulation of bicycle or motor bicycle use and the creation, maintenance, and promotion of bicycle facilities within the ~~city, village, or town~~. *municipality*

*INS*  
*2-2*  
**SECTION 1.** 349.18 (2) (b) of the statutes is created to read:


349.18 (2) (b) Any city, village, or town, that is located on an island, may enact an ordinance requiring registration of any bicycle that is operated by a nonresident of the city, village, or town. The ordinance may require the payment of a registration fee. An ordinance enacted under this paragraph may not take effect until the city, village, or town enacts a similar registration ordinance with an identical fee under par. (a). All fees collected from an ordinance enacted under this paragraph, and all fees collected from an ordinance enacted under par. (a) by a city, village, or town that is located on an island and that has enacted an ordinance under this paragraph, may be used only for the regulation of bicycle or motor bicycle use and the creation, maintenance, and promotion of bicycle facilities within the city, village, or town. ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0866/2dn  
MES&TNF&PJH:kmg:rs



I believe that this version of the bill meets the intent of the Town of La Pointe, as expressed in its letter to you, but it differs from the pre-drafted language submitted by the town's attorney. I'm not sure what the first sentence of the suggested language means. It seems to say that any municipality located on an island may enact an ordinance requiring registration of a bicycle or motor bicycle (bike) that is not already registered by that municipality under s. 349.18 (2) (a) *and* is operated by a nonresident. The problem is that s. 349.18 (2) (a), as renumbered by the bill, only authorizes the registration of bikes that are owned by residents of that municipality. If the municipality has enacted an ordinance under (renumbered) s. 349.18 (2) (a) that requires the registration of bikes, it is irrelevant whether they are operated by a resident or a nonresident.

 It seems to me that what the town wants is to allow a municipality to enact an ordinance that requires the registration of bikes operated by nonresidents, but only if the municipality requires similar registration for residents, and that the fees for such registrations be identical. This differs from the first version of the bill, under which the primary impact of the bill would have been to authorize the imposition of a registration fee on rented bikes operated by nonresidents.

Please let me know if you would like any additional changes made to the bill.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0866/2dn  
MES:kmg:km

January 19, 2001

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Please let me know if you would like any additional changes made to the bill.

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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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January 19, 2001

### MEMORANDUM

To: Senator Jauch

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-0866 Municipalities may impose bicycle licensing fees on nonresidents

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

\_\_\_\_ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.